REMARKS

The Office action dated September 25, 2007, and the references cited have been fully considered. In response, please enter the amendments and consider the remarks presented herein. Reconsideration and/or further prosecution of the application is respectfully requested.

Applicants appreciate the thoughtful examination of the application. Applicants also appreciate the Office returning the initialed, signed and dated 1449's indicating their full consideration of the submitted references.

Applicants have amended claims 1, 2, 8, and 12 to ensure that there is continuity between claim limitations, with support at least provided by process block 204 of FIG. 2A and page 20 of the originally filed disclosure ("if there is a gang scheduling message to dispatch, such as, but not limited to the identification of an event (e.g., the expiration of a timer, the receipt of data, the identification of a fault or other condition, a request from another process, etc.)," and page 12, line 20 *et seq.* ("[o]ne embodiment provides a gang scheduling infrastructure to dispatch cooperating processes on different nodes (i.e., different gang members) in a timely manner that typically approximates or actual provides simultaneous operation").

The following remarks reference the same numbered paragraphs of the Office action to which they are directed.

Paragraph 3. Claims 8-15 and 17-19 stand rejected under 35 USC § 101. Applicants first note that independent claim 12 as amended herein includes the recitation of hardware as requested by the Office, with support at least provided by FIG. 1A and pages 11-12 of the originally filed disclosure. Therefore, Applicants request the rejections of independent claim 12 and its dependent claims 13-15 and 17-19 be withdrawn.

Applicants respectfully traverse the § 101 rejections of the means plus function claim set consisting of independent claim 8 and its dependent claims 9-11. Applicants respectfully submit that the Office has incorrectly construed the claim to be just a software claims. Moreover,

Applicants believe that these claims conform to 35 USC § 112, sixth paragraph, and therefore, should be interpreted accordingly, such as discussed in *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 47 USPQ2d 1596, 1599 (Fed. Cir. 1998) (*"State Street Bank"*). Applicants further refer the Office to the Federal Circuit's proper claim construction to the claims at issue in *State Street Bank*, in which, for example, the Federal Circuit construed an apparatus claim limitation of "first means for initializing the storage medium" to be "an arithmetic logic circuit configured to prepare the data disk to magnetically store selected data." Similarly, Applicants refer the Office to FIG. 1A which illustrates, and at least pages 11-12 describe a gang member including one or more processing elements and memory for performing the gang scheduling functionality. For at least these reasons, Applicants submit that claims 8-11 recite patentable subject matter under 35 USC § 101. For at least these reasons, Applicants respectfully request the Office withdraw its rejections of claims 8-11.

For at least these reasons. Applicants respectfully request the Office withdraw all of its § 101 rejections.

Paragraph 5. Applicants respectfully request the § 112 rejections of amended claim 1 be withdrawn for at least the following reasons. The claim recites that the dispatch message is sent in response to the detection of the event (as thoughtfully suggested by the Office for the issue of line 4). The typographical error is corrected to refer to the "other gang members" not just "gang members" (for the issue of line 10). The relationship between the process and operation is clarified (for the issue in regards to lines 10-11).

In regards to the issue of line 5, Applicants respectfully traverse this rejection as Applicants believe the Office neglected to consider the full labeling of the element "a gang priority level" which is subsequently referred to as "the gang priority level" and therefore, there is no antecedent basis problem.

In regards to the other indefinite issues raised by the Office in regards to lines 5 and 8, the Office raises issues as the breadth of the claim, but breadth of a claim is not to be equated

with indefiniteness. Applicant reminds the Office that MPEP § 2173 only requires that the claims define the patentable subject matter with a reasonable degree of particularity and distinctness. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

(A)The content of the particular application disclosure;

(B)The teachings of the prior art; and

(C)The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent. Again, breadth of a claim is not to be equated with indefiniteness. MPEP § 2173.04 citing In re Miller, 441 F.2d 689, 169 USPQ 597 (CCPA 1971).

Claims 8 and 12 were rejected for having the same deficiencies as claim 1. Applicants have made the appropriate changes or traverse the rejection for at least as explained in relation to claim 1.

Claims 4 and 17 are rejected for the use of "routing updates." Routing updates are well-known in the communications industry, as they are what are used by routers and other packet switching devices to enable communications among devices. It can be argued that without routing updates, the Internet would cease to exist as we know it.

Applicants refer the Office to at least page 16, lines 8-19 of the original disclosure: "Examples of the types of events and data associated with a dispatch message include, but are not limited to routing updates, error conditions, configuration information, requests, flow control information, other values etc. Examples of operations performed by gang members in response to a dispatch message by one or more embodiments includes, but are not limited to collecting

one or more statistics values, updating a data structure with routing updates, changing configuration or routing information, taking corrective measures in response to an identified fault, etc. After performing some processing, each of the other nodes 132 of the gang may send a response message 137 to node 130 (or any other nodes). Examples of data included in such response messages include, but are not limited to statistics values, results, status indications (e.g., whether an operation is completed, status of the entity, etc.), routing data, configuration information, flow control information, etc." Also, as disclosed at least on page 3, lines 4-5, example embodiments include "gang members in routers, packet switching systems, computer systems, and other devices."

For example, a fault (e.g., network or other communication disruptive event) could trigger the changing of routing information in a router or packet switching device, in order to route traffic around the fault. Also, as one skilled in the art knows, you do not want line cards and/or nodes to be sending based on outdated routing information. Using an embodiment disclosed in the original application, for example, with the gang members being on different line cards (e.g., as recited in original dependent claim 17), a routing update can be approximately or actually simultaneously on multiple line cards to avoid differences in routing information.

For at least these reasons, Applicants respectfully request the § 112 rejections of claims 4 and 17 be withdrawn.

For at least these reasons, Applicants respectfully request the Office withdraw all of its § 112 rejections.

Paragraphs 7-20. All pending claims, claims 1-19, stand rejected under 35 USC § 103 as being obvious over Boudnik et al., US Patent 7,207,040, in view of Sikdar, US Patent 6,724,729. Applicants appreciate the thoughtful examination of the application, and for bringing to Applicants' attention Boudnik et al. which teaches changing of priority of a remote task; and Sikdar which teaches the triggering of Local Area Network (LAN) analyzers using a multicast packet to initiate their packet capture or packet generation capability.

Applicants first note each of the amended claims now expressly recites a limitation similar to that of claim 1's limitation:"each particular member of the plurality of other members raising a priority level of a process associated with said each particular member to that corresponding to the gang priority level in order to cause an approximate or actual simultaneous response to the gang dispatch message on each of the plurality of other gang members." Again, support for such amendment is provided at least by page 12, line 20 *et seq.* ("[o]ne embodiment provides a gang scheduling infrastructure to dispatch cooperating processes on different nodes (i.e., different gang members) in a timely manner that typically approximates or actual provides simultaneous operation"). Applicants respectfully submit that a combination of these references (assuming such a combination is proper for argument's sake), neither teaches nor suggests these limitations recited in the independent clams. Sikdar teaches that you can remotely trigger multiple LAN analyzers using a multicast message without using priority. (In fact, Applicants could not locate the word "priority" in Skidar.) Moreover, Boudnik et al. teaches away from synchronization, in fact, it is trying to avoid synchronization which causes resource contention when parallel tasks attempt to access the same resource. Boudnik et al. col. 2, lines 21-36 *et seq.* Applicants respectfully submit the prior art of record, alone or in combination, neither teaches nor suggests all of the claim limitations of any pending claim, including neither teaching nor suggesting the limitation of "each particular member of the plurality of other members raising a priority level of a process associated with said each particular member to that corresponding to the gang priority level in order to cause an approximate or actual simultaneous response to the gang dispatch message on each of the plurality of other gang members."

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For at least these reasons, Applicants respectfully request the rejections of all claims be withdrawn, and all claims be allowed.

Applicants have no further duty to discuss the dependent claims as their independent claims are allowable for at least the reasons discussed *supra*; however, Applicants will make a few comments. In regards to claims 2 and 13, the Office fails to present how Sikdar is capable of communicating the results of Boudnik et al. In regards to claims 4 and 17, Sikdar neither teaches nor suggests routing updates. In fact, Applicants could not find the word "route" or a variant thereof in Sikdar. Sikdar uses packets, which have addresses, which neither teaches nor suggests the limitations of routing updates. In regards to claim 5 and 18, Applicants make a demand for evidence for such teaching, as Sikdar neither teaches nor suggests including a fault indication; rather, the LAN analyzers are trying to determine the fault. Additionally, in regards to claims 6 and 19, Sikdar neither teaches nor suggests taking a corrective measure associated with the fault; rather, LAN analysis is just that, analysis to determine a possible fault; and analysis is not a corrective measure. In regards to claims 9-11, Sikdar neither teaches nor suggests reliable multicast communication, in fact, Applicants cannot find the word "acknowledgement" or a variant thereof in Sikdar. Multicast communication is traditionally unreliable communications as the message is sent out, without an acknowledgement being returned. Applicants further traverse that timestamps are acknowledgements of the gang dispatch messages.

For at least these reasons, Applicant respectfully request the prior art rejections of claims 1-19 be withdrawn.
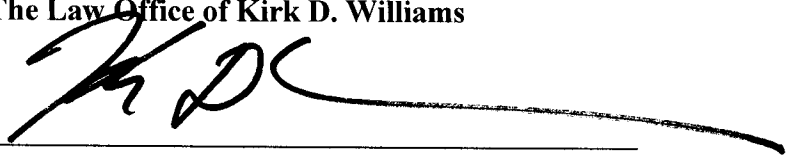
Final Remarks. In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over all prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney, as Applicants are open to discussing, considering, and resolving issues.

Applicants request a two-month extension of time is required. Should a different extension of time be deemed appropriate, Applicants hereby petition for such deemed extension of time. Applicants further authorize the charging of Deposit Account No. 501430 for any fees that may be due in connection with this paper (e.g., claim fees, extension of time fees) as required in addition to the payment made herewith using EFS-Web.

Respectfully submitted,
The Law Office of Kirk D. Williams

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